



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,641	01/26/2007	Nicolai Tarasinski	09248W-US	4217
30689	7590	01/09/2009	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265				TRIEU, THAI BA
ART UNIT		PAPER NUMBER		
3748				
MAIL DATE		DELIVERY MODE		
01/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,641	TARASINSKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai-Ba Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/06/2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 34-61 and 64-66 is/are rejected.
- 7) Claim(s) 62 and 63 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

This Office Action is in response to the Amendment filed on November 06, 2008. Applicant's cooperation in correcting the informalities in the drawing and specification is appreciated. Applicant's cooperation in amending the claims to overcome the claim objections relating to indefinite claim language is also appreciated.

Claims 1-33 were cancelled; and

Claims 34-66 were newly added.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "profile of charged air pressure after a compression stage of the turbocharger" and "sensors for sensing turbocharger geometry being connected to the controller" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 44 and 66 are objected to because of the following informalities:

- In claim 44, the recitation of ***“The tire-pressure regulating system according to claim 33”*** should be replaced by – **The tire-pressure regulating system according to claim 34** – since claim 33 has been cancelled by the Amendment filed on November 06, 2008.

Temporarily, claim 44 is treated as a dependent claim according to the independent claim 34.

- In claim 66, line 5, the recitation of **“the an air pressure”** should be revised to correct the grammatical error.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 35 is and its dependent claims 36-37; Claim 38; Claim 39; Claim 46; Claim 48; Claims 55-57; and Claims 65-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically,

- In claim 35, line 3 and claim 38 line 3, the recitation of "**can be changed**" renders the claim indefinite, since it is not clear that under which condition the geometry of the turbocharger can be changed by an adjustment of the guide blades, under which condition the geometry of the turbocharger cannot be changed by an adjustment of the guide blades. Applicants are required to define the conditions of the geometry of the turbocharger or to revise the claimed features.
- In claim 39, lines 3-4, the recitation of "**can be reduced**" renders the claim indefinite, since it is not clear that under which the high-pressure or low-pressure diaphragm dashpot can be reduced, under which the high-pressure or low-pressure diaphragm dashpot cannot be reduced. Applicants are required to define the conditions of the geometry of the turbocharger or to revise the claimed features.
- In claim 46, the recitation of "**functional values of an additional function**" renders the claim indefinite, since it is not clear that applicants want to

reference to which kinds of additional function(s) and which kinds of functional values. Applicants are required to identify the functional values of the additional function(s).

- In claim 48, the recitation of “**sensors for sensing turbocharger geometry being connected to the controller**” renders the claim indefinite, since it is not clear that how many sensors does the turbocharger geometry need? Which kinds of sensors to be used for sensing the turbocharger geometry, such as position sensor for sensing the position of the variable vanes, temperature/pressure/oxygen sensor for sensing temperature/pressure of the exhaust gas passing through the variable vanes, etc... Applicants are required to identify these sensors or to revise this limitation.

*Note that temporarily the sensor is treated as a sensor for sensing turbocharger speed which is disclosed in the original specification.*

- In claim 55, line 3, the recitation of “**can be connected**” renders the claim indefinite, since it is not clear that under which condition the connecting line can be connected by hand, under which condition the connecting line cannot be connected by hand with a flexible hose coupling. Applicants are required to define the conditions of connecting or to revise the claimed features.

- In claim 56, line 3, the recitation of “**can be connected**” renders the claim indefinite, since it is not clear that under which condition one end of the hose coupling can be connected reversibly to a wheel side coupling system with a quick connect system, under which condition one end of the hose coupling cannot be connected reversibly to a wheel side coupling system with a quick connect system. Applicants are required to define the conditions of connecting or to revise the claimed features.
  
- In claim 57, line 3, the recitation of “**can be connected**” renders the claim indefinite, since it is not clear that under which condition an other end of the hose coupling can be connected to vehicle side coupling connection, under which condition an other end of the hose coupling cannot be connected to vehicle side coupling connection. Applicants are required to define the conditions of connecting or to revise the claimed features.
  
- In claim 61, the recitation of “**a lower limit**” renders the claim indefinite, since it is not clear that limit is to be compared to and considered as a lower limit? Applicants are required to clarify this limitation.
  
- In claim 65, line 3, the recitation of “**can be set**” renders the claim indefinite, since it is not clear that under which condition each tire of the vehicle can be set with different air pressure, under which condition each tire of the

vehicle cannot be set with different air pressure. Applicants are required to define the conditions of setting with different air pressure or to revise the claimed features.

- In claim 66, lines 3-4, the recitations of “***can be adjusted***” and “***can be set***” render the claim indefinite, since it is not clear that:

under which condition the air pressure of a trailer tire can be adjust with a tire pressure regulating and can be set different than the air pressure of vehicle tire,

under which condition the air pressure of a trailer tire cannot be adjust with a tire pressure regulating and can be set different than the air pressure of vehicle tire;

under which the air pressure of a trailer tire can be adjust with a tire pressure regulating and cannot be set different than the air pressure of vehicle tire; and

under which the air pressure of a trailer tire cannot be adjust with a tire pressure regulating and cannot be set different than the air pressure of vehicle tire.

Applicants are required to define these conditions or to revise the claimed features.

2. Claim 66 recites the limitation “the air pressure of a trailer” in line 3. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 66 recites the limitation "an air pressure of the trailer" in line 4. There is a double recitation for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 34-37, 40-45, 47-51, 53-54, and 60-61 are rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Tarasinski (Pub. Number US 2002/0121323 A1), in view of either Schmidt et al. (Patent Number 6,102,146), or Gerke et al. (Patent Number 6,625,984 B2).***

Tarasinski discloses a tire-pressure regulating system for setting the pressure of a tire (16) mounted on a vehicle having a combustion engine (20) with a turbocharger (22), the turbocharger being with a compressed-air source for the tire-pressure regulating system (10), characterized by:

the turbocharger (22); and

a controller connected to the turbocharger, the controller controlling the turbocharger to increase air pressure when filling the tire (See Figure, Paragraphs [0008]-[0010], [0012], and [0019]);

a sensor (46, 68) which detects a pressure (via 46) or temperature (68) of upstream or downstream of the engine (See Figure, Paragraph [0028]);

wherein the controller (62) receives engine rpm and/or load information (via 64) (See Figure, Paragraph [0028]);

wherein the controller (62) controls the engine (20) and the tire-pressure regulating system (10) (See Figure, Paragraphs [0028]-[0030]);

sensors for sensing the turbocharger speed (via 66) being connected to the controller (62) (See Figure);

wherein the engine is operated within preset rpm limits when adding air to or letting air out of the tire (See Paragraph [0018]);

a waste gas valve (44) connected to a charged air channel of the engine (See Figure);

wherein an additional air compressor (42) is connected after the turbocharger (See Figure);

wherein a connecting line (11) connects the turbocharger to a wheel (See Figure);

wherein the connecting line (11) is mounted permanently to the vehicle, and includes a rotary transmission (12) leadthrough for transmitting the air between a rotating wheel and a stationary part of the vehicle (See Figure);

wherein an automatic pressure switch (40, 44) limits tire pressurization (See Figure);

wherein an automatic pressure switch (40, 44) limits tire pressurization to a lower limit (See Figure).

However Tarasinski fails to disclose the turbocharger having a variable geometry being controlled by the controller, the controller controlling the geometry of the turbocharger in response to the electrical signals, and the change to the geometry of the turbocharger according to a function depending on a profile of charged air pressure after a compression stage of the turbocharger and on an rpm of the turbocharger.

Schmidt/Gerke teaches that it is conventional in the turbocharged internal combustion engine art, to utilize in that the turbocharger (2, 3, 4 of Schmidt, 12 of Gerke) has a variable geometry (5 of Schmidt, 50 of Gerke) being controlled by the controller (12 of Schmidt, 146 of Gerke); the controller (12 of Schmidt, 146 of Gerke) controlling the geometry of the turbocharger in response to the electrical signal (Not Numbered of Schmidt, 154 of Gerke) (See Figure 1 of Schmidt, Figure 1, Column 3, lines 19-40, 53-67, Column 4, lines 1-46 of Gerke);

wherein the geometry of the turbocharger (2, 3, 4 of Schmidt, 12 of Gerke) can be changed by an adjustment of the guide blades (5 of Schmidt, 50 of Gerke) and/or the working blades;

wherein the blades (5 of Schmidt, 50 of Gerke) are changed with reference to a charged air compressor part of the turbocharger (2, 3, 4 of Schmidt, 12 of Gerke);

wherein the blades (5 of Schmidt, 50 of Gerke) are changed with reference to the exhaust gas turbine part of the turbocharger (2, 3, 4 of Schmidt, 12 of Gerke) (See

Figure 1, Column 3, lines 45-61 of Schmidt, Figure 1, Column 3, lines 19-40, 53-67, Column 4, lines 1-46 of Gerke);

wherein the geometry of the turbocharger is changed according to a function (Read as engine operation, engine speed/load, pressure, turbocharger speed); and

wherein the change to the geometry of the turbocharger depends on an rpm of the turbocharger (See Column 6, lines 32-52 of Gerke).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a variable geometry, the controller controlling the geometry of the turbocharger in response to the electrical signals, and the change to the geometry of the turbocharger according to a function depending on a profile of charged air pressure after a compression stage of the turbocharger and on an rpm of the turbocharger, as taught by Schmidt/Gerke, to provide an alternative arrangement/design and to improve the control/regulation of the tire-pressure for the Tarasinski device.

Additionally, the substitution of a variable geometry turbine as shown in Schmidt/Gerke for a turbine shown in Tarasinski would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of a variable geometry as shown in Schmidt/Gerke would have yielded predictable results of increasing air pressure which depends on the position of the variable geometry of the turbocharger when filling the tire. *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1395 (U.S. 2007).

***Claims 34-37, 40-45, 47-54, and 60-61 are rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Tarasinski (Pub. Number US 2002/0121323 A1), in view of Haupt et al. (Patent Number 6,584,772 B2).***

Tarasinski discloses a tire-pressure regulating system for setting the pressure of a tire (16) mounted on a vehicle having a combustion engine (20) with a turbocharger (22), the turbocharger being with a compressed-air source for the tire-pressure regulating system (10), characterized by:

the turbocharger (22); and

a controller connected to the turbocharger, the controller controlling the turbocharger to increase air pressure when filling the tire (See Figure, Paragraphs [0008]-[0010], [0012], and [0019]);

a sensor (46, 68) which detects a pressure (via 46) or temperature (68) of upstream or downstream of the engine (See Figure, Paragraph [0028]);

wherein the controller (62) receives engine rpm and/or load information (via 64) (See Figure, Paragraph [0028]);

wherein the controller (62) controls the engine (20) and the tire-pressure regulating system (10) (See Figure, Paragraphs [0028]-[0030]);

sensors for sensing the turbocharger speed (via 66) being connected to the controller (62) (See Figure);

wherein the engine is operated within preset rpm limits when adding air to or letting air out of the tire (See Paragraph [0018]);

a waste gas valve (44) connected to a charged air channel of the engine (See Figure);

wherein an additional air compressor (42) is connected after the turbocharger (See Figure);

wherein a connecting line (11) connects the turbocharger to a wheel (See Figure);

wherein the connecting line (11) is mounted permanently to the vehicle, and includes a rotary transmission (12) leadthrough for transmitting the air between a rotating wheel and a stationary part of the vehicle (See Figure);

wherein an automatic pressure switch (40, 44) limits tire pressurization (See Figure);

wherein an automatic pressure switch (40, 44) limits tire pressurization to a lower limit (See Figure).

However Tarasinski fails to disclose the turbocharger having a variable geometry being controlled by the controller; the controller controlling the geometry of the turbocharger in response to the electrical signals; the change to the geometry of the turbocharger according to a function depending on a profile of charged air pressure after a compression stage of the turbocharger and on an rpm of the turbocharger; and a charge air cooler.

Haupt teaches that it is conventional in the turbocharged internal combustion engine art, to utilize in that the turbocharger (5) has a variable geometry (18) being

Art Unit: 3748

controlled by the controller (10); the controller (10) controlling the geometry of the turbocharger in response to the electrical signal (19) (See Figure 1);

wherein the geometry of the turbocharger (18) can be changed by an adjustment of the guide blades (18);

wherein the blades (18) are changed with reference to a charged air compressor (7) part of the turbocharger (5);

wherein the blades (18) are changed with reference to the exhaust gas turbine part of the turbocharger (5) (See Figure 1);

wherein the geometry of the turbocharger is changed according to a function (actual/setpoint value comparison of charge pressure) (See Figure 2, Column 3, lines 11-66, and Column 4, lines 1-6);

wherein the function depends on a profile of charged air pressure after a compression stage of the turbocharger (actual/setpoint value comparison of charge pressure) (See Figure 2, Column 3, lines 11-66, and Column 4, lines 1-6);

wherein the change to the geometry of the turbocharger depends on an rpm of the turbocharger (See Column 2, lines 12-25); and

wherein a charge air cooler (9) is provided in a suction channel (3) between the turbocharger (5) and the engine (1) (See Figure 1).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a variable geometry; the controller controlling the geometry of the turbocharger in response to the electrical signals; and the change to the geometry of the turbocharger according to a function depending on a profile of charged

air pressure after a compression stage of the turbocharger and on an rpm of the turbocharger; and a charge air cooler, as taught by Haupt, to provide an alternative arrangement/design and to improve the control/regulation of the tire-pressure for the Tarasinski device.

Additionally, the substitution of a variable geometry turbine as shown in Haupt for a turbine shown in Tarasinski would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of a variable geometry as shown in Haupt would have yielded predictable results of increasing air pressure which depends on the position of the variable geometry of the turbocharger when filling the tire. *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1395 (U.S. 2007).

***Claims 38-39 are rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Tarasinski (Pub. Number US 2002/0121323 A1), in view of Schmidt et al. (Patent Number 6,102,146)/Gerke et al. (Patent Number 6,625,984 B2)/Haupt et al. (Patent Number 6,584,772 B2), and further in view of either Allen et al. (Patent Number 6,705,084 B2) or Umehara et al. (Patent Number 6973785 B2).***

The modified Tarasinski discloses the invention as recited above, however fails to disclose a high-pressure or low-pressure diaphragm dashpot.

Allan/Umehara teaches that it is conventional in the art of controlling system for electric assisted turbocharger, to utilize in that the geometry of the turbocharger (10 of Allan, 20, 21, 22 of Umehara) can be changed with the help of a high-pressure or low-

pressure diaphragm dashpot (26 of Allan, 24, 25 of Umehara) connected to the turbocharger (10 of Allan, of 20, 21, 22 Umehara), wherein a preferably electrically-driven vacuum pump connected to a low-pressure diaphragm dashpot (26 of Allan, 24, 25 of Umehara) charges the low-pressure diaphragm dashpot with low pressure; in that the high pressure or low pressure between the vacuum pump and the high-pressure or low-pressure diaphragm dashpot (26 of Allan, 24, 25 of Umehara) can be reduced, so that the turbocharger (10 of Allan, 20, 21, 22 of Umehara) assumes its geometry corresponding to this state (see Column 5, lines 4-53 of Allan, Figure 1, Column 4, lines 40-50 of Umehara).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a high-pressure or low-pressure diaphragm dashpot, as taught by Allan/Umehara, to improve the control of the guide vanes in the modified Tarasinski tire-pressure regulating system.

***Claim 64 is rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Tarasinski (Pub. Number US 2002/0121323 A1), in view of Schmidt et al. (Patent Number 6,102,146)/Gerke et al. (Patent Number 6,625,984 B2)/Haupt et al. (Patent Number 6,584,772 B2), and further in view of Hjorth-Hansen (Patent Number 4,510,979).***

The modified Tarasinski discloses the invention as recited above, however fails to disclose a manometer displaying to a vehicle operator the air pressure in the tire-pressure regulating system or in the tire.

Hjorth-Hansen teaches that it is conventional in the art of controlling tires, to utilize a manometer (4) displaying to a vehicle operator the air pressure in the tire-pressure regulating system or in the tire (See Figure 1-2 and 4-6, Column 1, lines 7-27, and Column 3, lines 7-34).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a manometer displaying to a vehicle operator the air pressure in the tire- pressure regulating system or in the tire, to improve the efficiency of the modified Tarasinski device, since the use thereof would have controlled tire pressure to a desired level.

***Claims 65-66 are rejected under 35 U.S.C. 103(a) as best understood as being unpatentable over Tarasinski (Pub. Number US 2002/0121323 A1), in view of Schmidt et al. (Patent Number 6,102,146)/Gerke et al. (Patent Number 6,625,984 B2)/Haupt et al. (Patent Number 6,584,772 B2), and further in view of Design choice.***

The modified Tarasinski discloses the invention as recited above, however fails to disclose each tire of the vehicle being set with a different air pressure, wherein preferably the tires allocated to each axle of the vehicle have essentially the same air pressure; an air pressure of a trailer tire being adjusted with the tire-pressure regulating system, and set different than the an air pressure of a vehicle tire.

One having an ordinary skill in the tire-pressure regulating system art, would have found each tire of the vehicle being set with a different air pressure, wherein

preferably the tires allocated to each axle of the vehicle have essentially the same air pressure; and an air pressure of a trailer tire being adjusted with the tire-pressure regulating system, and set different than the an air pressure of a vehicle tire, as a matter of design choice depending on the vehicle requirements. Moreover, there is nothing in the record which establishes that the claimed air pressure for each tire of the vehicle being set, wherein preferably the tires allocated to each axle of the vehicle have essentially the same air pressure; and an air pressure of a trailer tire being adjusted with the tire-pressure regulating system, and set different than the an air pressure of a vehicle tire, presents a novel of unexpected result (See *In re Kuhle*, 526 F. 2d 553, 188 USPQ 7 (CCPA 1975)).

#### ***Allowable Subject Matter***

Claims 55-59 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 62-63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 34-66 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicants' arguments set forth on page 22, applicants state that the art of Tarasisnski, Schmidt et al., and Gerke et al. provides no hint concerning an improvement of the tire filling by increasing the charged air pressure by variation of the geometry of the turbocharger.

The examiner respectfully disagrees since the turbine of Tarasinski is substituted by the variable turbine of Schmidt/Gerke, the modified Tarasinski turbine would have yielded predictable results of increasing air pressure which depends on the position of variable geometry of the turbocharger when filling the tire.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB  
December 23, 2008

/Thai-Ba Trieu/  
Primary Examiner  
Art Unit 3748